

### REMARKS

Claims 1 - 48 are pending in the present application.

Applicant notes with appreciation that the Examiner indicates that claims 7, 15, 23, 31, 39 and 47 would be allowable if rewritten in independent form. However, Applicant believes that all of the claims are currently in condition for allowance and, therefore, placing the aforementioned claims into independent form does not appear to be necessary.

In section 3 of the Office Action, claims 9-14, 16, 25-30, 32, 41-46, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,838,140 to Rosenthal (hereinafter "Rosenthal"). Applicant respectfully traverses these rejections.

Claim 9 provides for a method of indicating extant battery life. The method includes, *inter alia*, determining a first extant battery life value having a first confidence level during operation of an apparatus in a first mode, and determining a second extant battery life value having a second confidence level during operation of the apparatus in a second mode.

Rosenthal is directed to an alarm system for a portable telephone. In Rosenthal, at a predetermined time prior to a projected time at which the battery is expected to have power for only a particular additional amount of time (for example, eight minutes), the user is signaled with an "almost-out-of-power warning." This warning indicates that there remains in the battery enough power to operate the portable telephone only until the projected time, notwithstanding that there actually remains in the battery sufficient power to operate the portable telephone for an additional time beyond the projected time. (Abstract).

To help to achieve the above, Rosenthal discloses "an estimate of the amount of current drain that occurs during standby and conversation modes" (Column 6, lines 11-12). Rosenthal further discloses that power usage may be determined by means of an iterative process (Figure 3 and column 6, lines 23-54). In Rosenthal, in step 303, the microprocessor 201 determines the present operating mode, *i.e.*, is it at a standby mode or a conversation mode (Column 6, lines 25-27). Power consumption information can be accumulated in step 207 over a period of time.

However, in Rosenthal, regardless of whether an estimation occurs of a current drain in the "standby" mode or a "conversation" mode, **the method of estimating remains the same for both modes, *i.e.*, there is not a plurality of confidence levels.** For instance, Figure 3, which is discussed in the portions of Rosenthal cited by the Examiner regarding the above claim

limitation, does not disclose, teach or suggest a plurality of confidence levels. In other words, the method of Rosenthal does not disclose the use of confidence levels, **“wherein the second confidence level is higher than said first confidence level,”** as claimed in claim 9.

Applicant respectfully requests reconsideration and withdrawal of the section 102(b) rejection of claim 9.

Independent claims 25 and 41 each include a recital similar to that of claim 9, as described above. Thus, for reasoning similar to that provided in support of claim 1, independent claims 17 and 33 are also novel over Rosenthal. Applicant respectfully requests reconsideration and withdrawal of the section 102(b) rejection of claims 25 and 41.

Claims 10-14 and 16 depend from claim 9, claims 26-30 and 32 depend from claim 25, and claims 42-46 and 48 depend from claim 41. By virtue of these dependencies, claims 10-14, 16, 26-30, 32, 42-46, and 48 are all also novel over Rosenthal. Applicant respectfully requests reconsideration and withdrawal of the section 102(b) rejection of claims 10-14, 16, 26-30, 32, 42-46, and 48.

In section 5 of the Office Action, claims 1-6, 7, 17-22, 24, 33-38 and 40 are rejected under 35 U.S.C. 103(a) as being anticipated by Rosenthal. Applicant respectfully traverses these rejections.

Claim 1 provides for a method of indicating extant battery life. The method includes, *inter alia*, (i) initially determining, over a first duration, a first extant battery life value having a first confidence level, and (ii) determining, over a second duration, a second extant battery life value having a second confidence level. The second duration is greater than the first duration, and the second confidence level is higher than the first confidence level, and the determination of the first extant battery life value is completed before the determination of the second extant battery life value is completed.

Applicant states that claim 1 is patentable for at least some of the same reasons that claim 9 is patentable. These reasons include Rosenthal not disclosing, teaching or suggesting **“wherein the second confidence level is higher than the first confidence level...”**

The Examiner states that Rosenthal fails to disclose “wherein said second duration is greater than said first duration.” Applicant agrees with the Examiner. However, the Examiner states that the limitation would not render the claims patentable over Rosenthal because the

Examiner states that such limitation depends on how long one would desire to measure without changing the scope of Rosenthal. Applicant respectfully disagrees with the Examiner.

Rosenthal outlines that power consumption information should be accumulated “over a total of 600 interrupt periods in order to provide the resolution of one minute of displayable battery usage information.” (Column 6, lines 55-61). The number of interrupts is therefore dependent upon the *resolution* of the user display, and the number of interrupts is inversely proportional to the duration of the power measurement. Therefore, there is no motivation to use the teaching of Rosenthal to adapt Rosenthal to “wherein the second duration is greater than the first duration,” as the durations of Rosenthal are directed to resolution, and not to confidence levels.

For at least the above reasons, Applicant respectfully requests reconsideration and withdrawal of the section 103(a) rejection of claim 1.

Independent claims 17 and 33 each include a recital similar to that of claim 1, as described above. Thus, for reasoning similar to that provided in support of claim 1, independent claims 17 and 33 are also novel over Rosenthal. Applicant respectfully requests reconsideration and withdrawal of the section 103(a) rejection of claims 17 and 33.

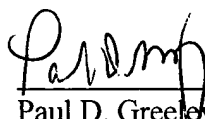
Claims 2-6 and 8 depend from claim 1, claims 18-22 and 24 depend from claim 17, and claims 34-38 and 40 depend from claim 33. By virtue of these dependencies, claims 2-6, 8, 18-22, 24, 26-30, 34-38, and 40, are all also non-obvious over Rosenthal. Applicant respectfully requests reconsideration and withdrawal of the section 103(a) rejection of claims 1-6, 8, 17-22, 24, 26-30, 32-38, and 40.

In view of the foregoing, Applicant respectfully submits that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicant respectfully requests favorable consideration and that this application be passed to allowance.

Respectfully submitted,

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